IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5833 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

FAKIRBHAI JAMALBHAI SHAIKH

Appearance:

MS ROOPAL R PATEL for Petitioner

MR NR TANDEL for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 24/08/2000

ORAL JUDGEMENT

The petitioner herein challenges the award of the Labour Court, Navsari whereby it is ordered to reinstate the respondent without any backwages. The learned counsel for the petitioner submits that the respondent

had committed a serious default by not issuing tickets worth Rs.10/- as the conductor of the bus in which the respondent was serving at the relevant time. It is also submitted that the respondent was found to be guilty of 18 other acts of misconduct, according to his past record.

2. The learned counsel appearing for the respondent submitted that the respondent had given up his challenge to the order of dismissal in the Labour Court in anticipation and on the understanding of reaching a compromise whereby he could immediately get his employment back. However, he has further conceded that the respondent would be prepared to accept the further punishment of stoppage of three increments in view of the seriousness of the misconduct alleged against him. In view of this statement, the petition can be disposed with such modification of the impugned award as would meet the ends of justice.

3. Therefore, in the peculiar facts and circumstances of the case, the impugned award is modified to the extent that the respondent shall suffer further punishment of stoppage of three increments without permanent effect. The rest of the order shall be implemented within 30 days from today. The petition is allowed to the aforesaid extent and Rule is made absolute in terms as above. There shall be no order as to costs.

Sd/-

(KMG Thilake)

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